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5 Attorneys for Petitioners and Plaintiffs  
 6 Elan and Reverend Oracle

7 **UNITED STATES DISTRICT COURT**  
 8 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

10 ELAN AND REVEREND ORACLE,  
 11  
 12 Plaintiffs and Petitioners

Case No. C09-00373 JF  
**The Hon. Jeremy Fogel**  
**Courtroom 5**

13 vs.  
 14 SANTA CRUZ COUNTY PLANNING  
 DEPARTMENT; TOM BURNS; and DOES 1-25,  
 15 inclusive,  
 16 Defendants and Respondents

**STIPULATION AND [PROPOSED]  
 ORDER EXTENDING HEARING  
 DATE ON DEFENDANT'S  
 MOTION FOR SUMMARY  
 ADJUDICATION**  
**Trial Date: March 26, 2010**

**PIERCE & SHEARER LLP**  
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Plaintiffs Elan and Oracle and Defendants Santa Cruz County Planning Department, et al,  
by and through their respective counsel of record in this action, hereby present the following  
stipulation and order extending the hearing date on defendants' pending motion for summary  
adjudication as follows:

1. WHEREAS, this case was removed to this court from the Santa Cruz County  
Superior Court on January 27, 2009;

2. WHEREAS, this case is currently set for trial beginning on March 26, 2010;

3. WHEREAS, the current deadline for dispositive motions to be heard is February  
19, 2010;

4. WHEREAS, defendants filed a very comprehensive motion for summary  
adjudication, seeking adjudication on nine separate issues;

5. WHEREAS, the scope of this motion is broader than the parties originally  
anticipated when first discussing the matter in December 2009;

6. WHEREAS, some 14 depositions have been taken in this case and excerpts from  
12 of them have been submitted in support of defendants' motion along with a declaration of  
Mark Deming with 24 exhibits, a declaration of Tom Burns with 6 exhibits, a declaration of  
Thomas Jacobson with 5 exhibits and a declaration of Alice Daly with 1 exhibit, totaling  
approximately 5 inches of filings;

7. WHEREAS, the parties are agreeable that plaintiffs have a two week extension of  
time to file their opposition to this motion;

8. WHEREAS, a two week extension should not interfere with the current trial date  
or other pretrial dates;

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9. WHEREAS, pursuant to Northern District Civil Local Rules 6-2(a), the declaration of Andrew F. Pierce in support of the parties stipulation and proposed order is filed concurrently herewith;

10. WHEREAS, the parties jointly stipulate, pursuant to Northern District Civil Local Rules 6-1(b) and 6-2, to request that the court issue an order extending the hearing date as set forth below:

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES AND THEIR COUNSEL OF RECORD THAT:

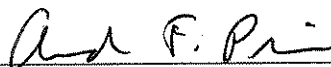
(1) The hearing date for defendants' pending motion for summary adjudication currently set for February 19, 2010 shall be extended to March 5, 2010;

(2) The deadline for the parties' respective oppositions and reply papers shall be extended accordingly.

IT IS SO STIPULATED.

PIERCE & SHEARER LLP

Date: January 22, 2010

  
\_\_\_\_\_  
Andrew F. Pierce, attorney for Plaintiffs

SANTA CRUZ COUNTY COUNSEL

Date: January 22, 2010

/s/ Jason M. Heath  
Jason M. Heath, attorney for Defendants

IT IS HEREBY ORDERED THAT:

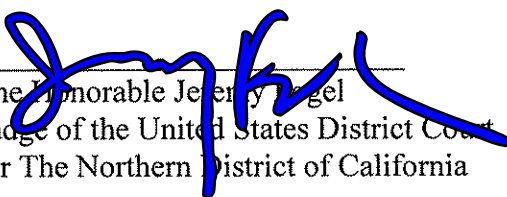
(1) The hearing date for defendant's pending motion for summary adjudication currently set for February 19, 2010 shall be extended to March 5, 2010;

(2) The deadline for the parties' respective oppositions and reply papers shall be extended accordingly.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 1/26/2010

  
The Honorable Jeffrey Vogel  
Judge of the United States District Court  
for The Northern District of California

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